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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
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9 JOSE MIGUEL APONTE-RODRIGUEZ,
10 Plaintiff,

11 v.
12 CAROLYN W. COLVIN, Acting
13 Commissioner of Social Security,
14 Defendant.

Case No. C15-5708-RSM-JPD

REPORT AND RECOMMENDATION

15 Plaintiff brought this action to seek judicial review of the denial of his application for
16 disability benefits by the Commissioner of the Social Security Administration. Dkt. 3. The
17 parties have stipulated that this case should be reversed and remanded for further administrative
18 proceedings pursuant to sentence four of 42 U.S.C. § 405(g). Dkt. 15.

19 Based on the stipulation of the parties, the Court recommends that this case be
20 REVERSED and REMANDED for further administrative proceedings before an Administrative
21 Law Judge (“ALJ”). On remand, the ALJ shall conduct a *de novo* hearing and issue a new
22 decision. The ALJ shall also 1) update and reevaluate the medical evidence; 2) revisit the
23 presumption of continuing nondisability, per Acquiesce Ruling (AR) 97-4(9); and 3) continue
24 with the sequential evaluation process, reevaluating credibility and the RFC, and determine the

claimant's capacity to perform past relevant work and other work, obtaining VE testimony as needed. In addition, the ALJ shall take any other actions necessary to develop the record. Plaintiff may submit additional evidence and arguments to the ALJ on remand.

Upon proper application, the Court will consider whether reasonable attorney's fees and costs should be awarded pursuant to 28 U.S.C. § 2412(d).

Because the parties have stipulated that the case be remanded as set forth above, the Court recommends that Chief United States District Judge Ricardo S. Martinez immediately approve this Report and Recommendation. The Clerk should note the matter for **March 16, 2016** as ready for Judge Martinez's consideration. A proposed order accompanies this Report and Recommendation.

DATED this 16th day of March, 2016.

James P. Donohue

JAMES P. DONOHUE
Chief United States Magistrate Judge